



Docket No.: OSTEONICS 3.0-380
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Wang et al.

Application No.: 10/071,667

Confirmation No.: 4016

Filed: February 8, 2002

Art Unit: 3733

For: POROUS METALLIC SCAFFOLD FOR
TISSUE INGROWTH

Examiner: R. R. Shaffer

DECLARATION OF MAHESH MOHANTY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

I, Mahesh Mohanty hereby declare as follows:

1. I am a Program Manager in Manufacturing Operations at Howmedica Osteonics Corp. in Mahwah, New Jersey. I have been employed here since September 2002. My educational background includes a Ph.D. in Materials Engineering from Drexel University.

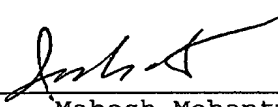
2. I have provided the attached photographs showing enlargements of the structure shown in FIG. 13 of the Wang et al. application published as US 2006/003179. That the FIG. 13 was a photograph of the structure of Wang et al. at 29 power and that attached find enlargements of that same structure at 50 and 150 power. Also attached are enlarged views, at the same powers of a structure which is believed to have been produced by the process taught in the Kaplan reference.

3. That as can be seen either from Kaplan U.S. Patent No. 5,282,861 or the attached photographs that the surface of the present invention has a greater average roughness (Ra) than the Kaplan reference FIG. 3. That this additional

roughness is formed by the one or more layers of metal particles over the framework of webs formed by vapor deposition with the particle covered struts forming a foam network having a pore size of between 100 and 1000 microns. Furthermore, that after bonding the layers of powder to the metal struts some particles exhibit surfaces which have a diameter of between 20 and 100 microns. Furthermore, the surfaces of the metal webs as shown in FIG. 3 of Kaplan et al. do not themselves exhibit a porosity which is shown in the 50 and 150 power enlarged views of the attached photographs of the Wang et al. surface coating. That one of ordinary skill in the art would understand that the application of 20 to 100 micron particles to a web surface formed by vapor metal deposition would inherently have such a porosity.

4. That I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that any such willful false statements may jeopardize the validity of this application or any patent issuing therefrom.

Dated: _____

5/6/08

Mahesh Mohanty